

GILBERTO RUIZ a/k/a
JESUS BARRIGA a/k/a
JOSE SANCHEZ a/k/a
GILBERTO LOPEZ,

VS .

Defendants.

On August 12, 2011, the Court issued an order directing the parties to file a report addressing the status of the case within fourteen (14) days. (ECF No. 37.) On August 23, 2011, Plaintiff's copy of that order was returned by the post office as

undeliverable. (ECF No. 38.) The envelope was stamped, "RETURN TO SENDER[.] INMATE DISCHARGED[.]" (Id. at 3.) Plaintiff did not respond to the Court's order.

On August 24, 2011, Defendant filed a Motion to Dismiss for Failure to Prosecute and to Obey Court's Orders. (ECF No. 40.) That order noted that Plaintiff was released from prison on or about May 30, 2011, at the conclusion of his sentence. (Id. at 2.) Plaintiff did not respond to that order, and the time for a response has expired.

Because it appears that Plaintiff has abandoned this case, the Court GRANTS Defendant's motion to dismiss. The action is DISMISSED WITH PREJUDICE pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Judgment shall be entered for Defendants.

IT IS SO ORDERED this 30th day of September, 2011.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE